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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: James T. Kenny

SERIAL NO: 10/748,602

FILED: 12/30/03

FOR: Play Four Poker

AMENDMENT

Honorable Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the office action dated April 7, 2005, applicant respectfully traverses the examiners position as set forth in the aforesaid office action and sets forth the following remarks and response to the examiner's position.

First, the examiner has taken the position that claims 1,3,4,7 and 8 are rejected under 35 USC 102(b) as being anticipated by Webb. The examiner makes specific reference column 8 lines 45 – 46 for indicating that Webb discloses an embodiment where in four cards are dealt to each player and the four cards are dealt to the dealer thereby disclosing a four-card poker game. He further states that Webb uses a standard deck of 52 playing cards.

It is respectfully submitted that the examiner is attempting to extract one sentence from the passage as noted, and attempting to apply that in his rejection. Applicant respectfully submits that the passage referred to by the examiner reads as follows:

"The card of FIGS. 4-6 has a dual function; in playing the game it is used as a wild card; subsequently the card can be taken away by the player and retained as a memento and also serves as a promotional item. In a three-card version of the game described above, a player may be provided with two standard cards and wild card to form a three-card hand. Alternatively, at least one player may be provided with three cards and be permitted to discard one card in order to form his/her best three-card hand using the wild card. Similarly, in four and five-card versions of the game a wild card of the kind shown in